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PUBLIC SERVICE  
COMMISSION  
LISA NALLY-MARTIN  
ASSISTANT COUNTY ATTORNEY

January 29, 2004

Mr. Thomas M. Dorman, Executive Director  
Environmental and Public Protection Cabinet  
Public Service Commission  
211 Sower Blvd. - P. O. Box 615  
Frankfort, Kentucky 40602-0615

Re: Case No. 2004-00025  
Marion County Water District vs. J. B.  
Peterson

Dear Mr. Dorman:

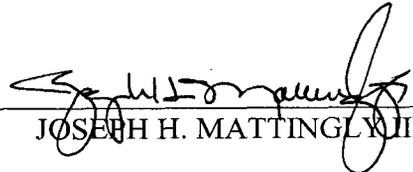
Please find enclosed herewith a copy of the Marion County Water District's Response to Mr. Peterson's Open Meetings Complaint which has previously been served upon Mr. Peterson. Please enter my appearance on behalf of the Marion County Water District in this matter and forward to me any further correspondence with respect to Mr. Peterson's Complaint.

If you have additional questions concerning this matter, please do not hesitate to contact me.

With kindest regards, I remain,

Very truly yours,

OFFICE OF THE MARION COUNTY ATTORNEY

By   
JOSEPH H. MATTINGLY III

JHM III:bo  
Enclosure

cc: Ms. Barbara May, Marion County Water District

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## **RESPONSE TO OPEN MEETING COMPLAINT**

Comes the Marion County Water District Board of Commissioners and pursuant to KRS 61.846(1), makes the following response to the Open Meetings Complaint received from J. B. Peterson on or about January 17, 2004:

1. The Marion County Water District Board of Commissioners respectfully denies the remediation demanded by the Complainant;

2. The Marion County Water District Board of Commissioners states affirmatively that no violation of KRS 61.815 or any Federal or State constitutional provisions occurred at the meeting of January 5, 2003;

3. The Marion County Water District Board of Commissioners states affirmatively that prior to retiring to executive session, it was specifically stipulated that personnel matters would be discussed during the executive session. Such discussions are appropriate and are exceptions to the open meetings requirements pursuant to KRS 61.810(1)(f);

4. That the Marion County Water District Board of Commissioners denies that any final action was taken while in executive session. To the contrary, final action was taken only after the executive session had concluded and the Madam Chairman had specifically called the regular session of the meeting back in to order;

5. The Marion County Water District Board of Commissioners specifically denies that its actions violated KRS 61.810(1)(f) or any provision of the constitutions of the Commonwealth of Kentucky or the United States of America. Specifically, KRS 61.810(1)(f) does not entitle the Complainant to a hearing at all. Furthermore, no provision of the Marion County Water District's Policies and Procedures entitle the Complainant to a hearing on the action taken. To

the contrary, the Complainant was an employee at will whose position was reviewed annually in January of each year;

6. The Complainant's separation from the Marion County Water District on January 5, 2004, was the result of his voluntary disassociation therefrom. While the part-time manager/operator position had been eliminated, it was the intention of the Marion County Water District Board of Commissioners to permit the Complainant to remain with the Water District pending its hiring of a full-time manager/operator and to encourage the Complainant to apply for the full-time position. However, prior to making said offer, the Complainant made it abundantly clear to members of the Board of Commissioners that he no longer would be associated with the Marion County Water District after January 5, 2004.

Respectfully submitted,

**MARION COUNTY WATER DISTRICT  
BOARD OF COMMISSIONERS**

By Barbara R. May  
**BARBARA R. MAY, Madam Chairman**